

ACT

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THE NATIONAL ELECTORAL COMMISSION ACT, 2002

ARRANGEMENT OF SECTIONS

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Signed this 25th date of January, 2002

Alhaji Ahmad Tejan Kabbah,
President

No. 1



2002

Short title.

The National Electoral Commission Act, 2002

Being an Act to make provision supplementary to sections 32 and 33 of the Constitution with respect to the National Electoral Commission.

Date of commencement.

[7th February 2002]

ENACTED by the President and Members of Parliament in this present Parliament assembled.

Interpretation.

1. In this Act, unless the context otherwise requires—

"Commission" means the Electoral Commission referred to in section 32 of the Constitution operating under this Act as the National Electoral Commission;

"Chairman" means the Chairman of the Commission;

"Executive Secretary" means the person appointed Executive Secretary under section 8;

"member" means a member of the Commission;

Establishment of
Commission..

2. (1) There is hereby established the Electoral Commission consisting of the Chairman and four other members referred to in subsection (2) of section 32 of the Constitution.

Act No. 6 of 1991.

(2) The Chairman or a member of the Commission may resign his office by written notice addressed to the President.

Independence of
Commission.
Act No. 6 of 1991.
Removal of Member.

3. By virtue of subsection (11) of section 32 of the Constitution, the Commission is an independent body.

4. (1) Pursuant to subsection (8) of section 32 of the Constitution, a member of the National Electoral Commission may be removed from office by the President for inability to discharge the functions of his office, whether arising from the infirmity of mind or body or any other cause, or for misbehaviour.

Act No. 6 of 1991

(2) When a member of the Commission is to be removed from office for misbehaviour under section (1), the statement of the misbehaviour shall be addressed to a tribunal appointed by the President, adapting for that purpose, the provisions of paragraphs (a) and (b) of subsection (5) of section 137 of the Constitution and subsections (6) and (7) of that section shall apply, with the necessary modifications, to the removal of that member of the Commission.

Remuneration,
allowances and
privileges of members.

5. (1) The terms and condition of service of the Chairman and other member of the Commission including their remuneration, allowances and the privileges to be accorded them, shall be prescribed by Parliament under the State Salaries, Pensions, Gratuities and Other Benefits Act, 2001.

Act No. 1 of 2001.

(2) The terms and conditions of service referred to in subsection (1) shall not be altered to the detriment of the Chairman or other member of the Commission.

Functions of
Commission.

6. The object for which the Commission is established is the performance of the functions prescribed in section 33 of the Constitution and in any other law.

Proceedings of
Commission.

7. (1) The Commission shall meet for the dispatch of its business at such time and place as the Chairman may determine.

(2) The Chairman shall preside at any meeting of the Commission at which he is present and in his absence, a member elected by the members present from among their number, shall preside.

(3) Each member shall have one vote but where there is an equality of votes, the Chairman or other member presiding shall have a casting vote.

(4) All acts, matters or things authorized or required to be done by the Commission shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(5) The quorum for a meeting of the Commission shall be three.

(6) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that, if a member requires that such proposal be placed before a meeting of the Commission subsection (5) shall not apply to such proposal.

(7) Subject to this Act, the Commission shall regulate the procedure at its meetings.

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National Electoral Commission Act, 2002

Executive Secretary and other staff of Commission.

8. (1) The Commission shall have an Executive Secretary and such other staff as many be required for the efficient discharge of the functions of the Commission.

(2) Public officers may be seconded or otherwise render assistance to the Commission.

(3) The Executive Secretary and other staff of the Commission shall be appointed by the Commission subject to such terms and conditions as the Commission may determine.

(4) The Executive Secretary shall be responsible to the Commission for—

- a. the day-to-day administration of the affairs of the Commission;
- b. the recording and keeping of minutes of meetings of the Commission in a book kept for that purpose;
- c. the supervision and discipline of the staff of the Commission; and
- d. performing such other duties as the Commission may determine.

Expenses, accounts and audit of Commission.

9. (1) The administrative and other expenses of the Commission, including the salaries, allowances, gratuities and pensions of the members and staff of the Commission shall be a charge on the Consolidated Fund.

(2) The Commission shall keep proper books of account and other records in relation to any moneys appropriated for the purposes of the Commission by Parliament and such accounts shall be kept in a form approved by the Auditor-General and shall be audited annually by the Auditor-General or an auditor appointed by him.

Standing orders of Commission.

10. The Commission may issue standing orders for the internal regulation of its business and the conduct of staff.

Regulations.

11. The Commission may for the purposes of its functions, by statutory instrument, make regulations not inconsistent with any law enacted for the registration of voters, the conduct and supervision of presidential, parliamentary or local government elections or for the holding of referenda.

PASSED in Parliament this *22nd* day of *January*, in the year of our Lord two thousand and two.

J.A. Carpenter
Clerk of Parliament.